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April 3, 2008

Honorable Judge Nancy Gertner  
John Joseph Moakley U.S. Courthouse  
1 Courthouse Way  
Boston, MA 02210

Re: Drumgold v. Callahan, et al.  
Civil Action No. 04-11193NG

Dear Judge Gertner:

As was discussed at the hearing this morning, Defendant has offered as potential exhibits in Stage 2 of the trial certain Internal Affairs records dealing with Donnell Johnson, Christopher Harding, Marvin Mitchell, Gary Willoughby, Tarahn Harris, and Willie Bennett. All of those files are mentioned by name in paragraph 32 of the Plaintiff's Complaint. Plaintiff is requesting access to the IAD files from which the Defense selected exhibits for trial. It should be noted that the City of Boston, in its original automatic disclosures, indicated that it would make those files available.

As the case evolved, the Plaintiffs additionally designated in connection with the Pre-Trial that they would be offering evidence concerning Marlon Passley, Angel S. Toro, Luis Santos, and Stephan Cowans. The city has "reserved" its right to supplement its proposed list of exhibits pending the courts decision on its Motions in Limine. Plaintiff seeks the same access to those files.

The City of Boston is making certain files available to Plaintiff's counsel this afternoon. The parties will continue to discuss this matter to see whether it can be resolved without further action by this court.

Yours very truly,

/s/ Michael W. Reilly, Esq.

Cc: Rosemary Scapicchio, Esq.  
John P. Roache, Esq.  
MaryJo Harris, Esq.  
Hugh R. Curran, Esq.  
William M. White, Esq.